

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, ADMINISTRATOR, ET AL, :
PLAINTIFFS. :

VS. :

C.A. No. 04-312 L

JEFFREY DERDERIAN, ET AL, :
DEFENDANTS. :

**ANSWER AND JURY CLAIM OF THE DEFENDANTS TRITON REALTY
LIMITED PARTNERSHIP, TRITON REALTY, INC., AND RAYMOND VILLANOVA**

Now come Defendants, Triton Realty Limited Partnership, Triton Realty, Inc. and Raymond Villanova and give this, their answer, to Plaintiffs' Complaint.

Introduction

No response to these paragraphs is required. However, The Defendants deny that the Station was licensed or authorized to operate as a nightclub at the time in issue and for each and every time reference is made to the Station operating or being licensed as a nightclub, Defendants reassert this denial and incorporate the same by reference hereinafter.

PARTIES

1. With respect to decedent Gray, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
2. With respect to decedent O'Neill, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
3. With respect to decedent Morton, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
4. With respect to decedent Barnett, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

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5. With respect to decedent Mitchell, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
6. With respect to decedent Vieira, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph..
7. With respect to decedent Avilez, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
8. With respect to decedent Young, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
9. With respect to decedent Angers, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
10. With respect to decedent Marion, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
11. With respect to decedent Fresolo, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
12. With respect to decedent Longley, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
13. With respect to decedent Shubert, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
14. With respect to decedent DiBonaventura, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
15. With respect to decedent Frederickson, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
16. With respect to decedent Croteau, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
17. With respect to decedent Baker, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
18. With respect to decedent Bonardi, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
19. With respect to decedent Crisostomi, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

20. With respect to decedent Dunn, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
21. With respect to decedent Durante, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
22. With respect to decedent Gooden, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
23. With respect to decedent Hamelin, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
24. With respect to decedent Hoban, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
25. With respect to decedent Michael B. Hoogasian, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
26. With respect to decedent Sandy L. Hoogasian, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
27. With respect to decedent Latulippe, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
28. With respect to decedent Longiaru, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
29. With respect to decedent Keith A. Mancini, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
30. With respect to decedent Steven R. Mancini, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
31. With respect to decedent Morin, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
32. With respect to decedent Prouty, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
33. With respect to decedent Anderson, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
34. With respect to decedent Beauchaine, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

35. With respect to decedent Blom, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
36. With respect to decedent Cabral, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
37. With respect to decedent Cartwright, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
38. With respect to decedent Cordier, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
39. With respect to decedent D'Andrea, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
40. With respect to decedent DiRienzo, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
41. With respect to decedent Fick, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
42. With respect to decedent Fleming, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
43. With respect to decedent Florio-DePietro, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
44. With respect to decedent Gahan, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
45. With respect to decedent Greene, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
46. With respect to decedent Griffith, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
47. With respect to decedent Hoisington, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
48. With respect to decedent Howorth, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
49. With respect to decedent Kelly, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

50. With respect to decedent King, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
51. With respect to decedent Kulz, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
52. With respect to decedent Lapierre, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
53. With respect to decedent McQuarrie, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
54. With respect to decedent Moreau, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
55. With respect to decedent Moczynski, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
56. With respect to decedent Rakoski, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
57. With respect to decedent Reisner, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
58. With respect to decedent Shaw, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
59. With respect to decedent Stark, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
60. With respect to decedent Benjamin J. Suffoletto, Jr., these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
61. With respect to decedent Linda D. Suffoletto, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
62. With respect to decedent Washburn, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
63. With respect to decedent Woodmansee, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

64. With respect to decedent Darby, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
65. With respect to decedent Romanoff, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
66. With respect to decedent Hyer, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
67. With respect to decedent Sanetti, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
68. With respect to decedent Gillett, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
69. With respect to decedent Martin, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
70. With respect to decedent Stowers, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
71. With respect to decedent at Corbett, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
72. With respect to decedent DeMaio, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
73. With respect to decedent Johnson, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
74. With respect to decedent Jacavone-Mancini, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
75. With respect to decedent Smith, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
76. With respect to decedent Arruda, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
77. With respect to decedent Fontaine, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
78. With respect to decedent Libera, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

79. With respect to decedent Ervanian, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
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223. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
224. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
225. With respect to decedent Sylvester, these Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
226. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.
227. – 270. To the extent this paragraph includes averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied, otherwise no response to these paragraphs is required.

GENERAL ALLEGATIONS AS TO ALL DEFENDANTS

271. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph and as to the acts attributed to these and other Defendants or the alleged consequences of any such acts. To the extent this paragraph includes averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

JEFFREY DERDERIAN

272. These Defendants repeat and re-aver their responses to paragraphs 1 through 271 of this Complaint as if specifically set forth herein.
273. – 278. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in these paragraphs.
279. These Defendants admit that Jeffrey Derderian was owner of DERCO, LLC, otherwise, these Defendants are without information sufficient to form a belief as to the truth of the remaining averments contained in this paragraph.

COUNTS I – II

280. – 283. These Defendants repeat and re-aver their responses to paragraphs 1 through 279 of this Complaint as if specifically set forth herein. These averments and Counts, set forth in paragraphs 280 through 283, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

MICHAEL DERDERIAN **COUNTS III - IV**

284. – 290. These Defendants repeat and re-aver their responses to paragraphs 1 through 283 of this Complaint as if specifically set forth herein. These averments and Counts, set forth in paragraphs 284 through 290, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

DERCO, LLC

291. These Defendants admit that DERCO, LLC does business as The Station and is owned by defendants Jeffrey Derderian and Michael Derderian, otherwise, these Defendants are without information sufficient to form a belief as to the truth of the remaining averments contained in this paragraph.

292. These Defendants admit that DERCO, LLC owned and operated The Station, otherwise, these Defendants are without information sufficient to form a belief as to the truth of the remaining averments contained in this paragraph.

293. These Defendants are without information sufficient to form a belief as to the truth of the averments contained in this paragraph.

COUNT V

294. – 297. These Defendants repeat and re-aver their responses to paragraphs 1 through 293 of this Complaint as if specifically set forth herein. These averments and Count, set forth in paragraphs 294 through 297, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

HOWARD JULIAN

298. These Defendants admit that Howard Julian was the owner of La Villa Strangiato, Inc., otherwise, these Defendants are without information sufficient to form a belief as to the truth of the remaining averments contained in this paragraph.

299. These Defendants admit that Howard Julian was the owner of La Villa Strangiato, Inc., and that for a period of time, Julian leased the premises located at 211 Cowesett Avenue, West Warwick, from Triton Realty Limited Partnership, otherwise, these Defendants are without information sufficient to form a belief as to the truth of the remaining averments contained in this paragraph.

COUNT VI - VII

300. – 303. These Defendants repeat and re-aver their responses to paragraphs 1 through 299 of this Complaint as if specifically set forth herein. These averments and Counts, set forth in paragraphs 300 through 303, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

TRITON REALTY LIMITED PARTNERSHIP

304. These Defendants admit that Triton Realty Limited Partnership is a limited partnership organized under the laws of Massachusetts, registered to do business in and having a principal place of business in Rhode Island. These Defendants admit that at all relevant times, Triton Realty Limited Partnership owned property at 211 Cowesett Avenue, West

Warwick, Rhode Island and leased said property to various individuals and entities for the operation of restaurants, otherwise the averments are denied.

305. These Defendants admit that Triton Realty Limited Partnership was the owner of property located at 211 Cowesett Avenue, West Warwick, Rhode Island. As landlord, Triton Realty Limited Partnership's obligations were governed by the terms of the lease, which said terms speak for themselves, and by applicable laws, otherwise denied.
306. These Defendants deny the averments contained in this paragraph.
307. These Defendants deny the averments contained in this paragraph.

COUNT VIII
TRITON REALTY LIMITED PARTNERSHIP – NEGLIGENCE

308. These Defendants repeat and re-aver their responses to paragraphs 1 through 307 of this Complaint as if specifically set forth herein.
309. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

COUNT IX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

310. These Defendants repeat and re-aver their responses to paragraphs 1 through 309 of this Complaint as if specifically set forth herein.
311. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

TRITON REALTY, INC.

312. The Defendants admit that Triton Realty, Inc. is the general partner of Triton Realty Limited Partnership, having a principal place of business in Rhode Island. The Defendants admit that Triton Realty Limited Partnership owned property at 211 Cowesett

Avenue, West Warwick, Rhode Island and leased said property to various individuals and entities for the operation of restaurants, otherwise the remaining averments are denied.

313. These Defendants admit that Triton Realty Limited Partnership was the owner of property located at 211 Cowesett Avenue, West Warwick, Rhode Island. As general partner of the landlord, Triton Realty Limited Partnership, Triton Realty, Inc.'s obligations were governed by the terms of the lease, which said terms speak for themselves, and by applicable laws, otherwise denied.
314. These Defendants deny the averments contained in this paragraph.
315. These Defendants deny the averments contained in this paragraph.

COUNT X
TRITON REALTY, INC. – NEGLIGENCE

316. These Defendants repeat and re-aver their responses to paragraphs 1 through 315 of this Complaint as if specifically set forth herein.
317. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

COUNT XI
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

318. These Defendants repeat and re-aver their responses to paragraphs 1 through 317 of this Complaint as if specifically set forth herein.
319. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

RAYMOND VILLANOVA

320. These Defendants admit that Triton Realty Limited Partnership is the owner of property located at 211 Cowesett Avenue, West Warwick, Rhode Island, otherwise the remaining averments are denied.
321. These Defendants deny the averments contained in this paragraph.
322. These Defendants deny the averments contained in this paragraph.
323. These Defendants deny the averments contained in this paragraph.

COUNT XII
RAYMOND J. VILLANOVA – NEGLIGENCE

324. These Defendants repeat and re-aver their responses to paragraphs 1 through 323 of this Complaint as if specifically set forth herein.
325. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

COUNT XIII
RAYMOND VILLANOVA
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

326. These Defendants repeat and re-aver their responses to paragraphs 1 through 325 of this Complaint as if specifically set forth herein.
327. These Defendants deny the averments contained in this paragraph.

Wherefore, the Defendants state that the Complaint should be dismissed and the Plaintiffs take nothing and the Defendants be awarded its costs and attorney's fees.

ALLEGATIONS OF OTHER NAMED
DEFENDANTS AND COUNTS XIV - LXIV

328. – 603. These Defendants repeat and re-aver their responses to paragraphs 1 through 327 of this Complaint as if specifically set forth herein. These averments and Counts, set forth in paragraphs 328 through 603, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.
604. These Defendants are without knowledge regarding “John Doe” or other unknown defendants, however, to the extent that others received property from Triton Realty-related persons or entities with intent to hinder, delay or defraud Plaintiffs, denied.
605. – 610. These averments and Counts, set forth in paragraphs 605 through 610, are not directed to these Defendants and therefore no further response is required. To the extent these paragraphs include averments that may be read as asserting negligent acts or omissions or other actionable conduct on the part of these Defendants, they are denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

And answering further, the Defendants assert that the plaintiffs’ and/or decedents’ injuries and death and any damages sustained by plaintiffs, were caused by other persons or entities for whose conduct the Defendants are not responsible.

Second Affirmative Defense

Defendants assert that the Complaint fails to state a claim upon which relief may be granted against them and therefore should be dismissed.

Third Affirmative Defense

Defendants assert that the injuries and death, and any damages sustained by plaintiffs, were caused by the independent, intervening acts or omissions of third parties for whom these Defendants are not liable.

Fourth Affirmative Defense

In the event that the named plaintiffs are determined not to have standing to bring this action, Defendants assert such lack of standing as an affirmative defense.

Fifth Affirmative Defense

In the event that these Defendants are determined to be joint tortfeasors, Defendants assert that they are entitled to an allocation of relative degree of fault among all joint-tortfeasors so that the pro-rata share of each defendant can be determined in accordance with the Rhode Island Uniform Contribution Among Tortfeasors Act, R.I.G.L. § 10-6-1, et seq.

Sixth Affirmative Defense

In the even that plaintiffs' and/or decedents' own negligence contributed wholly or partially to plaintiffs' damages, Defendants assert said contributory negligence as an affirmative defense.

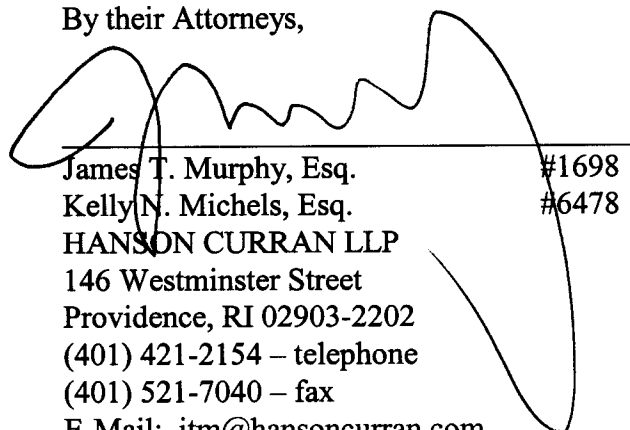
WHEREFORE, these Defendants demand judgment, dismissing the claims against them, with prejudice, and that they be awarded their costs and such other relief as the court deems just.

JURY CLAIM

The Defendants demand a trial by jury as to all allegations set forth in the Complaint, this Answer and any further responsive pleadings.

The Defendants,
Triton Realty Limited Partnership, Triton Realty,
Inc. and Raymond Villanova

By their Attorneys,



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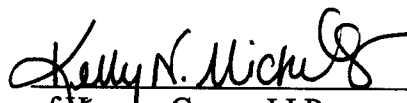
PROOF OF SERVICE
(Albert Gray, et al v. Jeffrey Derderian, et al; C.A. 04-312L)

I hereby certify that on this 31st day of August, 2004, I served the within document by mailing a copy of same to the following:

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